

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated April 2, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-3 and 5-19 are pending in the Application. Claims 18-19 are added by this amendment. Claim 4 is canceled herein, without prejudice. The Applicant respectfully reserves the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. The claims are amended to clarify that which is recited in the claims. These amendments to the claims are provided to place the application in condition for allowance and further place the claims in better form for appeal should such appeal be necessary, by reducing issues that may need be presented in appeal. No further search should be necessitated by these amendments to the claims. Accordingly, consideration and entrance of the claims as amended is respectfully requested.

Applicant thanks the Examiner for the indication that claims 14-17 are allowed and that claims 8-9 are allowable if amended to be in independent form.

In the Final Office Action, claims 1-7 and 11-13 are rejected under 35 U.S.C. §102(b) over European Patent Publication No. EP 1154412 to Kono ("Kono"). Claim 10 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kono in view of U.S. Patent Publication No. 2002/0101803 to Hayashi ("Hayashi"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-7 and 10-13 are allowable over Kono alone and in view of Hayashi for at least the following reasons.

The Final Office Action has interpreted the claim language of claim 1 stating that the "claim only requires 'one' as in the alternative provided with the claim language 'each of' ..."

Kono merely shows that in response to any one of several signals, the light intensity is reduced (see, FIGs. 1 and 2 and paragraph [0026], cited in the Office Action, and paragraphs [0034], [0038] and [0040]).

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Kono. For example, Kono does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "determining that an axial focus displacement event has occurred only if two or more axial focus displacement indicators indicate"

that an axial focus displacement event has occurred, otherwise determining that the axial focus displacement event has not occurred; and inhibiting the writing process in case of an axial focus displacement event occurrence" as recited in claim 1, and as similarly recited in claim 2. Hayashi is introduced for allegedly showing elements of a dependent claim and as such, does nothing to cure the deficiencies in Kono.

Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 2 are patentable over Kono alone and in view of Hayashi and notice to this effect is earnestly solicited. Claims 3-13 respectively depend from claim 2 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

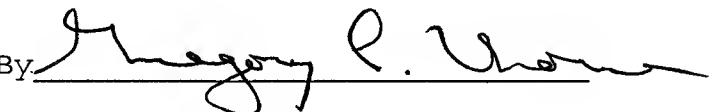
In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position,

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should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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